

**IN THE MATTER OF PETITION  
TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
FOR ESTABLISHMENT OF THE  
SYYPES CANYON TEMPORARY CONTROLLED GROUND WATER AREA NO. 41H-115474**

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The Department of Natural Resources and Conservation (DNRC) gives notice that the Sypes Canyon Temporary Controlled Groundwater Area (CGWA) will expire on April 26, 2008. The Sypes Canyon Temporary Controlled Groundwater Area was designated on April 26, 2002, after hearing pursuant to Mont. Code Ann. §§85-2-506 and -507 (2003), for a period of two years and was extended until 2008. Pursuant to Mont. Code Ann. § 85-2-507, the DNRC will hold a hearing on **February 12, 2008**, commencing at 9:00 a.m. in the Hyalite Room at the Best Western Gran Tree Inn, located on 1325 N 7th Ave in Bozeman, MT.

**General Information**

- Interested persons should come prepared to present all information they believe relevant to the decision whether to designate a permanent controlled ground water area at the time and place of hearing.
- Copies of the Department's Report and data are available on the DNRC's Water Resources Division website, <http://www.dnrc.mt.gov/wrd/default.asp> and from the Water Resources Regional Office, 2273 Boot Hill Court, Suite 110, Bozeman MT 59715, Phone No. 407-586-3136.
- In order to be considered, written testimony or statements must be accompanied by the following **notarized** statement: "I AFFIRM THE STATEMENTS APPEARING IN THIS WRITTEN TESTIMONY OR EVIDENCE ARE TRUE AND CORRECT, AND ANY DOCUMENT COPIES USED IN OR ATTACHED TO THE WRITTEN STATEMENT ARE TRUE AND CORRECT COPIES."
- If you are a corporation, you are required to be represented by legal counsel. Individuals can represent their own interests; however they cannot speak on behalf of or represent others. See e.g., Commission on Unauthorized Practice v. O'Neil, 2006 MT 284, 334 Mont. 311, 147 P.3d 200.
- The burden of proof is on the proponents of a controlled ground water area. See e.g., In the Matter of Smith Valley Petition for Controlled Ground Water Area No. 76LJ 30015063, Proposal for Decision, adopted by Final Order (2007).
- Interested persons are encouraged to review the record at the DNRC, Water Resources Division, Water Rights Bureau, 1424 9<sup>th</sup> Ave., PO Box 201601, Helena, MT 59620-1601. The Department will make its decision based on the record and the comment, evidence and information submitted at the hearing. The record includes the Report and the underlying data gathered during the temporary designation.

**Notice of Appointment of Hearing Examiner**

Notice is hereby given that Jolyn Eggart has been duly appointed as the Hearing Examiner in this matter pursuant to Appointment of Hearing Examiner dated December 18, 2007.

## **Hearing Information**

- The Department will retain all exhibits submitted at hearing.
- All testimony must be given under oath.

The Hearing for the Sypes Canyon Temporary Ground Water Area will generally proceed as follows:

- Opening Remarks by the Hearing Examiner.
- Presentation of facts gathered during the temporary designation by DNRC Hydrogeologist Russell Levens regarding the Report.
- Questions by the Public and Petitioner's to DNRC Hydrogeologist Russell Levens regarding the Report.
- Presentation of any comments, information or evidence by the Public in favor of (proponent) extending the temporary designation or granting a permanent designation of a controlled ground water area.
- Presentation of any comments, information or evidence by the Public against (opponent) extending the temporary designation or granting a permanent designation of a controlled ground water area.
- Closing Remarks by the Hearing Examiner

Russell Levens, Department Hydrogeologist, is the appointed Staff Expert in the matter. Mr. Levens will attend the hearing to listen to oral testimony and will review all written evidence of a technical nature. The Hearing Examiner may question any proponent or opponent to clarify testimony or evidence, or to elicit additional information.

After the hearing, the Hearing Examiner will prepare written findings and a final order. The Department final order will extend the temporary designation, allow the temporary designation to expire, or designate a permanent controlled ground water area. MCA § 85-2-507.